

# Indiana House of Representatives

## News and Information

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**FOR IMMEDIATE RELEASE:**

**September 9, 2005**

### **DVORAK: AG CARTER NEGLECTING DUTIES BY NOT INVESTIGATING GAS GOUGING CLAIMS**

INDIANAPOLIS – Indiana Attorney General Steve Carter has all the tools he needs to investigate claims of fuel price gouging, but State Rep. Ryan Dvorak (D-South Bend) said today that Carter continues to neglect his duties by refusing to pursue any cases.

"Since the beginning of the Hurricane Katrina crisis, our attorney general has maintained that he cannot look into any complaints about gas gouging until he is empowered by the provisions of the state's price gouging act (Indiana Code 4-6-9-1)," Dvorak said. "Carter claims that he cannot act unless a formal declaration of state emergency has been declared by the governor.

"Under the tenets of his office's Consumer Protection Division, I believe that he can technically investigate any consumer complaint, but even if you grant the attorney general's interpretation of his investigatory powers, I believe he gained the powers he claims he needed when Gov. Mitch Daniels issued Executive Order 05-25 on Tuesday (September 6)," the legislator continued.

That order declared a disaster emergency for the state of Indiana, pursuant to Indiana Code 10-14-3-12. By declaring an emergency, Dvorak said the governor provided the permission Carter said he needed to proceed with investigating price gouging complaints.

"However, the attorney general still is refusing to investigate complaints, even though his office has reported that more than 2,000 complaints have been received," Dvorak said.

Carter's press secretary now says that the attorney general considers the governor's declaration 'limited' because it only pertains to relief agencies being able to obtain federal reimbursements for costs associated with the hurricane. Dvorak said Indiana law does not provide for a "limited" declaration of disaster emergencies, and the governor's declaration makes no mention of any limitation on the disaster emergency.

"The attorney general needs to step up to the plate and investigate those who would choose to profit from a national tragedy," Dvorak said. "When over 2,000 Hoosiers are demanding action, there is no time for hesitation.

"Over 30 attorneys general across the country have joined in a multi-state investigation of the effects of this crisis," he continued. "Indiana needs to be a part of that process of ensuring fair practices – from the retailer to the refiner all the way up to the big oil companies."

To date, Carter has not initiated a single investigation into price gouging.

Dvorak also renewed his call for Gov. Daniels to suspend the 6 percent sales tax on gasoline.

"Indiana already is collecting 18 cents a gallon in gas taxes," Dvorak said. "The fair thing for the governor to do now is suspend the sales tax and save consumers up to 20 cents a gallon until this crisis passes."

The increase in gas prices has resulted in a windfall for the state in sales taxes on gasoline: up to several million dollars each week in extra income.